

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**JACKIE G. MILLER,  
Petitioner,**

**vs.**

**Case No. 13-cv-1078-DRH**

**BENNIE VICK,  
Respondent.**

**MEMORANDUM AND ORDER**

**HERNDON, Chief Judge:**

This matter is before the Court for case management. On November 7, 2013, the undersigned Judge dismissed the habeas petition pursuant to Rules 1 and 4 of the Rules Governing § 2254 Cases in United States District Courts (Doc. 8). Petitioner was granted permission to file a First Amended Petition no later than November 29, 2013, if he wished to pursue his claims further. He was advised that failure to file an amended petition would result in the dismissal of this action without prejudice. To date, petitioner has failed to submit an amended pleading. **IT IS THEREFORE ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** for failure to comply with an order of this Court. See FED. R. CIV. P. 41(b).

**IT IS SO ORDERED.**

**DATED: January 21, 2014**

Digitally signed by  
David R. Herndon  
Date: 2014.01.21  
11:57:58 -06'00'



**Chief Judge  
United States District Court**